AO 91 (rev.11/11) Criminal Complaint

AUTHORIZED AND APPROVED DATE: 08/22/14

United States District Court

for the

WESTERN DISTRICT OF OKLAHOMA

FILED

AUG 22 2014

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY ______, DEPUTY

United States of America,

v.

Daminion Tyrone Tittles,
a/k/a Daminion T. Titties,

Case No: M-14-328-P

CRIMINAL COMPLAINT

I, Brian Hess, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of August 20, 2014 in the county of Comanche, in the Western District of Oklahoma, the defendant violated:

Code Section	*Offense Description*
Count 1 - 21 USC § 841(a)(1)	Knowing and Intentional Possession of 500 grams of more of Methamphetamine with the Intent to Distribute

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent Brian Hess, United States Postal Inspection Service which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Complainant's signature
Brian Hess
Special Agent
United States Postal Inspection Service

Sworn to before me and signed in my presence.

Date: 8/22/14

Judge's signature

City and State: Oklahoma City, Oklahoma

Gary M. Purcell, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

AFFIDAVIT

I, the undersigned complainant being duly sworn, state the following to be true and correct:

Your Affiant, Brian Hess, being duly sworn, do hereby state that I am a United States Postal Inspector with the United States Postal Inspection Service, and have been so employed since January 2013. Prior to working for the United States Postal Inspection Service, I was employed as an agent with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control from August 2007 to January 2013. As part of your Affiant's duties as a postal inspector, your Affiant is vested with the authority to investigate violations of Federal laws regarding illegal use of the US Mail including violations to transport, ship, and or possess with the intent to distribute controlled substances.

This Affidavit is based upon your Affiant's personal investigation and upon information received from other law enforcement officers and agents identified herein and may not be inclusive of all evidence or information available, or of all facts known to me relative to this investigation or of all other law enforcement officers and agents involved in the investigation. Rather, your Affiant has included facts which are necessary to establish probable cause that the defendant named within this complaint did knowingly and intentionally possess a controlled substance in excess of 500 grams with intent to distribute, in violation of Title 21, United States Code, Section 841(a)(1).

On August 19, 2014, your Affiant was conducting a review of mail in transit at the Oklahoma City United States Mail Processing and Distribution Center located at 4025 W. Reno Avenue, Oklahoma City, Oklahoma 73125. Your Affiant was looking for parcels indicating the movement of illegal controlled substances through the United States Mail when Priority Mail Express parcel EK 299069700 US was located.

Your Affiant checked databases for records of the delivery address on the parcel. The databases indicated the delivery address of 610 SW 52nd St. Apt #212, Lawton, Oklahoma 73505, did exist and that the purported recipient, Damion Tittle (later determined to be Daminion Tyrone Tittles), was associated with that address. Daminion Tyrone TITTLES' (TITTLES), a/k/a

Daminion T. Titties', criminal history includes prior felony convictions for unlawful trafficking of cocaine within 1000 feet of a public park and unlawful possession of a firearm in commission of a felony (CF-1995-31).

On August 20, 2014, the Honorable GARY M. PURCELL, U.S. Magistrate Judge for the Western District of Oklahoma, issued a federal search warrant (M-14-327-P) to search Priority Mail Express parcel number EK 299069700 US. Postal inspectors executed the warrant on August 20, 2014. Your Affiant observed among the items contained within the parcel was a large stuffed animal. The stuffed animal had been noticeably altered and was found to contain a vacuum sealed package containing a clear-crystal like substance consistent with methamphetamine. The vacuum sealed package had an approximate weight of 963 grams in packaging. Also located within the parcel was a bag containing potpourri and a candle. Your Affiant observed the candle had an object concealed within the wax. The object was removed from the candle and determined to be a vacuum sealed package containing a green leafy substance consistent with marijuana and had an approximate weight of thirty-nine (39) grams in packaging.

On August 20, 2014, your Affiant arranged for the placement of United States Postal Service (USPS) Form 3849 (Delivery/Receipt Notice) to be placed within the mailbox of apartment #212, located at 610 SW 52nd Street, Lawton, Oklahoma 73505. The notice listed Priority Mail Express parcel EK 299069700 US was available for pickup after 2:00 PM on August 20, 2014, from the US Post Office located at 6601 W. Gore Blvd., Lawton, Oklahoma. The form was secured inside the apartment mailbox which required key access in order to retrieve it.

Your Affiant contacted Oklahoma Bureau of Narcotics (OBN) Agent Seth Thompson and requested his assistance with the investigation. On August 20, 2014, your Affiant met with Agent Thompson at a satellite OBN office in Lawton, Oklahoma. Agent Thompson initiated a presumptive methamphetamine field test on a portion of the clear crystal like substance contained within the vacuum sealed package. The test displayed a positive result. A portion of the crystal like substance was removed from the vacuum sealed package and stored by Agent Thompson as evidence. Agent Thompson also maintained custody of the suspected marijuana located within the candle. Your Affiant and Agent Thompson re-sealed the bag containing the clear crystal like substance which weighed in excess of 500 grams and placed it back inside the stuffed animal. The stuffed animal and additional contents of the parcel were then repackaged and sealed back inside Priority Mail Express parcel EK 299069700 US. The suspected marijuana was stored as evidence and was not placed back inside the parcel. Your Affiant maintained control of the parcel throughout the operation until it was successfully delivered to TITTLES.

On August 20, 2014, your Affiant was informed an individual matching the description of TITTLES arrived to and attempted to claim Priority Mail Express parcel number EK 299069700 US at approximately 2:15 PM. TITTLES was advised the parcel was not available for pickup but would be available later in the day. At approximately 2:35 PM, your Affiant arrived at the United States Post Office located at 6601 W. Gore Blvd., Lawton, Oklahoma. Your Affiant acted in an undercover capacity as a USPS supervisor and remained behind the service counter line to attempt the controlled delivery of the parcel to TITTLES. Surveillance for the operation was performed by Oklahoma Bureau of Narcotics Agents, Comanche County Sheriff Deputies, and Lawton Police Department Officers.

On August 20, 2014, at approximately 4:40 PM, an individual matching TITTLES description arrived to the post office and approached the service counter line to claim Priority Mail Express parcel number EK 299069700 US. The individual provided your Affiant with PS Form 3849 (Delivery Notice/Receipt) and an Oklahoma Driver's License identifying him as Daminion Tyrone TITTLES. Your Affiant retrieved the parcel and presented it to TITTLES. Your Affiant requested TITTLES complete PS Form 3849 by signing, and then printing his name and delivery address. TITTLES completed the signature portion of the form and the delivery address portion before handing it back. TITTLES removed the parcel from the counter and left the post office.

On August 20, 2014, your Affiant was notified that upon leaving the post office, a traffic stop had been conducted on the vehicle driven by TITTLES and he along with a female passenger had been taken into custody. The sealed Priority Mail Express parcel number EK 299069700 US was located in the backseat of the vehicle. Your Affiant was advised that investigators located one round of 9mm ammunition inside a plastic container on the backseat floorboard of the vehicle. TITTLES and the female passenger were transported to an OBN satellite office where your Affiant conducted interviews with both individuals separately. Both individuals were advised of their rights per *Miranda*. Both individuals acknowledged their rights and agreed to speak with investigators.

TITTLES stated his current residence was 610 SW 52nd Street Apartment #212, Lawton, Oklahoma 73505, and he had been living there for approximately three months. TITTLES advised he lived at the residence with his girlfriend, a different female than the passenger in his vehicle at the time of the traffic stop. TITTLES said the vehicle he was driving was a rental vehicle rented under his name. TITTLES indicated he was the person who attempted to claim Priority Mail Express parcel number EK 299069700 US earlier in the day from the post office as well as successfully picking up the parcel just prior to being stopped by law enforcement. TITTLES denied any knowledge of the parcel's contents. TITTLES explained he did not know anyone living in Las Vegas, Nevada and he was not expecting a package. TITTLES later advised he had family pictures taken of his children from a store in the Lawton mall approximately two to three weeks earlier and the store informed him they would be sending the pictures via US Mail to him. TITTLES was unable to provide the name of the store in the mall where the pictures were taken. TITTLES was also unable to provide an explanation as to why the parcel listed his name and delivery address if it was not intended to be received by him. TITTLES was ultimately transported to the Comanche County Jail where he was booked in and processed on state drug charges. The female passenger was released from the scene pending further investigation. Your Affiant had previously noted that the alleged sender of the package to TITTLES from Las Vegas was Brand TITTLE.

On August 20, 2014, OBN Agent S. Thompson applied for and obtained a state search warrant for TITTLES residence located at 610 SW 52nd Street Apt. #212, Lawton, Oklahoma 73505. Your Affiant assisted investigators with the execution of the warrant. No occupants were present inside the residence during the time of the search warrant service. Once the residence was secured, a systematic search was conducted. Your Affiant observed the residence was a multiple story two bedroom/two bathroom townhome.

Located underneath the bed in the second floor bedroom were three firearms partially concealed within a cardboard box. Located on the dresser of the bedroom was a letter addressed to Daminion TITTLES at 610 SW 52nd Street Apt. #212, Lawton, Oklahoma 73505. A small amount of green leafy residue consistent with marijuana was located on a shelf next to the dresser. The room did contain female clothing in the dresser drawers as well as male and female clothing in the closet. The male clothing in the room was consistent with what was worn by TITTLES during his arrest. Also located in the closet was a plastic bag containing multiple calibers of ammunition. Your Affiant does not recall seeing any male clothing in the only additional bedroom on the third floor.

During the search warrant service, the female girlfriend named by TITTLES during his interview returned to the residence and was contacted by investigators. She stated she lived at the residence with her boyfriend TITTLES, and, recently, another female who was not the female passenger in TITTLES car. She stated that the third female was the mother of some of TITTLES children and had been staying at the residence for the last couple months. She advised TITTLES had been living at the residence for approximately three months. She denied any knowledge of the firearms inside the residence. She explained she had clothing in both bedrooms, however, she normally slept on the couch in the living room. She stated she worked several jobs and was only at the apartment for minimal amounts of time. She did not indicate that any other male adults lived at the residence.

Based on the totality of the facts and circumstances, I believe that the methamphetamine was possessed with the intent to distribute. Further, I believe that probable cause exists to believe that TITTLES did knowingly and intentionally possess a controlled substance with the intent to distribute in violation of Title 21 USC Section 841(a)(1).

Brian Hess

Brian Hess
United States Postal Inspector
United States Postal Inspection Service

Sworn and subscribed to before me this 22nd day of August 2014.

Gary M. Purcell

GARY M. PURCELL
United States Magistrate Judge
Western District of Oklahoma